

1 standard for dismissal under § 2254(b)(2) set forth in *Cassett v. Stewart*, 406 F.3d 614, 623-24
2 (9th Cir. 2005). In short, no procedural defenses, including exhaustion, may be included with the
3 merits in an answer. All procedural defenses, including exhaustion, instead must be raised by
4 motion to dismiss.

5 I FURTHER ORDER that, in any answer filed on the merits, the respondents must
6 specifically cite to and address the applicable state court written decision and state court record
7 materials, if any, regarding each claim within the response as to that claim.

8 DATED this 9th day of June, 2020.

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12 ANDREW P. GORDON
13 UNITED STATES DISTRICT JUDGE
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